IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side
Review Petition St No.l3298 of 2004
in
Writ Petition No.6089 of 2002

The Commissioner Kalyan Dombivli
Municipal Corpn ..... Petitioner
vs
Chandrakant Giridhar Kolte...Respondent

Mr.A.S.Rao for petitioner
Mr.N.V.Bandiwadekar for respondent

CORAM: A.P.SHAH & D.G.KARNIK JJ.

Dated 28.6.2005

P.C:

l. The petitioner is seeking review of our order dated l4.l0.2003. The review petition is totally misconceived. The petitioner has not pointed out any error in the order much less error apparent on the face of record . It is also not the case of the petitioner that the petitioner has discovered any new fact/material which could not be placed before this court with due diligence when the petition was disposed of by the said order dt 4.l0.2003.

2. By the order under review the petitioner was directed to grant to the respondent payscale applicable to the post of Executive Engineer in which the respondent has been working continuously since l.4.l997. It is an admitted position that this order has been fully implemented and arrears of salary has been duly paid to the respondent. Even on merits we do not find any substance in the

review petition. The respondent was promoted as Executive Engineer in l997 but that promotion came to be canceled in l998 vide order dated l2.l.l998. The petitioner was, however,asked to continue to work as Executive Engineer on a salary in lower scale. It appears that other Executive Engineers whose promotion was canceled were also directed to continue to work in the post of Executive Engineer. Some of them filed writ petitions in this court and those writ petitions were allowed and the Corporation was directed to apply the payscale of Executive Engineer from the date when the State Government sanctioned the establishment schedule of the Corporation. The order has been implemented by the Corporation and all other similarly situated Executive Engineers are paid the salary as per the scale applicable to Executive Engineers. We do not see any ground to deny the same pay scale to the respondent. Review petition is dismissed.